

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

DAVID ABERNATHY

PLAINTIFF

VS.

CIVIL ACTION 3:11-cv-53-DPJ-FKB

TIM PALMER and JIM HOOD

DEFENDANTS

ORDER

This cause is before the Court on the Report and Recommendation [12] of the United States Magistrate Judge denying habeas relief under 28 U.S.C. § 2254. Any objections to the Report and Recommendation were due by January 21, 2014. No objections were filed. Having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, the Court adopts the same as the opinion of this Court and finds that the action should be dismissed with prejudice.

A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 31<sup>st</sup> day of January, 2014.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE